A N

HISTORICAL ACCOUNT

OF THE

Riſe, Progreſs, and Management,

OF THE

General Hoſpital, or Infirmary, in the City of BATH, &c.

[Price 1s. 6d.]

[Illegible]

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Hiſtorical Account

OF THE

Riſe, Progreſs, and Management,

OF THE

General Hoſpital, or Infirmary,

In the City of *BATH:*

WITH SOME

QUERIES,

TO THE

Principal Conductors of that Charity.

By William Baylies, *M. D.*

Nihil ſimulatio proficit, paucis imponit, levitér extrinſecûs inducta facies, veritas in omnem partem ſui ſemper eadem eſt. Quæ decipiunt, nihil habent ſolidi, tenue eſt mendacium, perlucet ſi diligentér inſpexeris. Sen. Ep. 79.

Bath: Printed in the Year MDCCLVIII.

And ſold by James Leake.

Historical Account

of

QUEBEC

to

Principal Cordeaux of the Clarity.

By William Bayles, M.D.

From

A Zeal for Charity and Truth,

And for the

Improvement of Medical Knowledge,

Theſe Sheets are laid before the Public:

AND

To the Right Reverend the Lord Biſhop of Bath and Wells,

And to the Juſtices of Aſſize for the County of Somerſet,

To whoſe Controul every Rule for the Government of the General Hoſpital in Bath is by Parliament committed,

AND TO

Every Contributor towards the Charity,

They are particularly addreſs'd,

By their obedient humble Servant,

W. Baylies.

BATH, Dec. 4, 1758.

From

a Zeal for Charity and Truth,

And for the

Improvement of Medical Knowledge,

These Sheets are laid before the Public:

To the Right Reverend the Lord
Bishop of Bath and Wells,

And to the Justices of Assize for the
County of Somerset,

To whose Censure every Rule for the Government of the General Hospital in Bath is by Parliament committed,

Every Contributor towards the Charity,

They are (with all Duty) addressed,

By Your Most Obedient Servant,

W. Bayliss.

THE INTRODUCTION.

THE zeal with which every compaſſionate mind muſt be warmed in the cauſe of charity, and the regard due from every honeſt man to the preſervation of a good name, muſt fully juſtify this public appeal; yet it being poſſible that by thus endeavouring to rectify a miſconduct, the funds for ſupporting a charitable inſtitution may for ſome time be leſſened, I cannot but expreſs a real concern at the neceſſity I am under of entering upon it; and indeed no motive ſhould have induced me thereto, had I not previouſly apply'd for a redreſs of the grie-

vance, to thoſe whoſe duty it was, by the mandate of a ſtatute law, to have rendered ſuch application unneceſſary.

But having ſought redreſs in vain, and for the attempt thereof, and for refuſing to retract uncontroverted truths, been ſcandalouſly hinted at in a public news-paper *(a)* as an enemy to charity, a publiſher of miſrepreſentations and malicious reflections; to which, when I offered a reply, *(b)* the

The ADVERTISEMENT.

(a) In the year of our Lord 1739 was printed an act of parliament for eſtabliſhing and well governing an Hoſpital or infirmary in the city of Bath: Whoever will be at the pains to peruſe the ſaid act, and compare it candidly with the proceedings of the governors of the ſaid hoſpital, will therein find a full confutation of all the miſrepreſentations and malicious reflections lately caſt upon the ſaid governors by the enemies of that charity.——*Boddely's Bath Journal, Feb.* 20, 1758.—*No.* 8 *of Vol.* XV. *P.* 32.

The ANSWER.

(b) In the laſt of theſe journals an advertiſement was publiſhed relative to the Bath hoſpital, wherein it was aſſerted that the proceedings of the governors thereof had been conſonant with the directions of the act of parliament for its eſtabliſhment; to this aſſertion a clear confutation will be contained in a hiſtory of

the printer of the ſame journal refuſed to inſert it; no man can blame me for now laying a fair ſtate of the caſe before the public.

And as thoſe to whom this is particularly addreſſed, from a juſt ſenſe of chriſtian duty, have been zealous for the welfare of the Bath hoſpital, it is not to be doubted but they will, from the ſame charitable diſpoſition, conſider well the importance of the following facts, the merits of the arguments founded thereon, and the good purpoſes intended to be promoted by the

of that charity very ſoon to be publiſhed; the reader is therefore deſired to ſuſpend his belief of the advertiſement until that publication has appeared, by a peruſal of which it is imagined there will be found truths too clear to paſs for miſrepreſentations, reflections too neceſſary to be eſteemed malicious, and ſufficient evidence that the writer of them is a true friend, inſtead of an enemy, to the charity.

publication of them, before they determine either for or againſt the writer.

Confident therefore of this indulgence, and deſirous only of being cenſured or approved as the rectitude of my intentions ſhall, on the ſtricteſt ſcrutiny, be found to deſerve, I ſhall attempt to ſhew from what motives hoſpitals for the ſick have been hitherto promoted; by what means this at Bath has been brought to its preſent greatneſs; by what law it is now eſtabliſhed; and what the truſtees have done by virtue of the powers therein given them, ſo far as relates to the phyſical œconomy of the hoſpital, and is recorded in the books belonging to it. To this I ſhall add, a relation of my conduct in attempting to be choſen a phyſician to the hoſpital, with the behaviour and proceedings of the governors, commit-

tees, and phyſicians thereupon; in every part of which I ſhall ſtrictly adhere to that injunction which is laid upon every witneſs in courts of juſtice where right and wrong is to be determined, by delivering the truth, the whole truth, and nothing but the truth.

Plain facts honeſtly related can never miſguide the judgment; from them we may ſafely conclude, whether private or public views have regulated the conduct of men; and without drawing inferences from them, ſecurely rely on their influence for juſtice.

I will not therefore endeavour with any artful inſinuations to prejudice any one's judgment in favour of this publication, but conclude the whole with ſuch queſtions to the cenſured as may lead them by ſimple and direct anſwers,

ſwers, if the charge is not true, to refute the ſame, and juſtify themſelves; or, by a ſilent acquieſcence, confeſs their guilt, and convince the world the accuſations are unanſwerable.

From whence ſhould it be made manifeſt that this hoſpital has been employed only as a deception to the public, it is not to be doubted but the ſeveral contributors thereto, out of common benevolence to their fellow creatures, will be induced to exert their utmoſt efforts, not only to prevent its being ſo continued, but likewiſe to ſee that thoſe in the immediate government thereof, may ſo regulate and conduct the ſame, as to make it anſwer every good end, which in its firſt inſtitution it was intended to promote, or in its own nature it is capable of producing. For if the want of charity be ſo highly diſpleaſing

in

in the eye of the Almighty, the abuſe of it muſt ſtill be greater; and the offence next to that, a ſilent and paſſive permiſſion of its abuſe, by thoſe who are impowered and in duty bound to remedy the evil.

Chap. I.

Of the principal Views in the firſt Eſtabliſhment of Infirmaries.

THE great emulation which, of late years, has appeared in this nation in the promotion and eſtabliſhment of infirmaries or hoſpitals for the reception of ſick poor, and the ſupport they have had from benevolent contributions and royal benefactions, not only renders any argument in their favour unneceſſary, but is univerſally convincing that, on experience, they are found of real utility.

Without reciting therefore the ſeveral benefits which the public muſt receive from every well regulated charity of this ſort, I will only obſerve here with what views they were firſt ſet on foot by thoſe who have been principally inſtrumental in the promotion of them.

And theſe, it is evident, were chiefly two, the one to relieve and provide for our fellow creatures afflicted with diſeaſes and diſtreſſed with want, the other to eſtabliſh ſchools of phyſic, wherein the knowledge acquired by obſervation might not only be rendered uſeful to the preſent, but perpetuated to future generations.

That the firſt of theſe views was one intention of founding infirmaries, is evident from the daily uſe that is made of them. And many,

many, no doubt, have contributed to theſe charities only from a compaſſionate diſpoſition to relieve the miſeries of the diſtreſſed, without ever thinking of any improvement in phyſical knowledge; but it cannot be denied that there are alſo many, and thoſe of the moſt diſtinguiſhed for humanity and good underſtanding, who have contributed to them as much from a deſire to benefit poſterity as the preſent generation, by the eſtabliſhment of them into uſeful ſchools of phyſic.

Of this the royal infirmary at Edinburgh is a recent and evident proof. There, ſtudents at the univerſity in that city have an opportunity of hearing clinical lectures from the phyſicians, and of ſeeing every day the effects of medicines, and the operations and dreſſings of the ſurgeons at the pa-

tients bed-ſide, as well as of copying from the regiſter of the hoſpital all caſes worthy remembrance in their future practice: Whence the univerſity of Edinburgh has, of late years, acquired the reputation of being the beſt ſchool of phyſic in his majeſty's dominions.

Indeed the applications made to influence the public to contribute to the Bath infirmary, is alone ſufficient to demonſtrate that one view of its promoters was the improvement of phyſical knowledge, it being therein expreſsly declared that "by the eſtabliſhment of ſuch an hoſpital the knowledge and uſe of Bath waters would be greatly improved for the benefit of all ſucceeding generations."

And

And that knowledge, founded on practice as well as theory, is abſolutely requiſite to compleat a phyſical education, is evident, not only from the general recourſe which thoſe who take degrees in our univerſities have to the London hoſpitals, but alſo from the late reſolution made by the principals in the univerſity of Oxford, and the truſtees to Dr. Radcliff's will, to found within the limits of that univerſity, an hoſpital for the ſick, from a conviction that ſuch an application of the remainder of that legacy has the moſt direct tendency to promote the great end of the teſtator, in rendering his Alma Mater the moſt conſpicuous of any for phyſical knowledge.

The ſituation of theſe charities has been a material conſideration with the promoters

promoters of them; they have generally been placed in or near to principal towns, where the requiſites for life may be procured on the eaſieſt terms, and where the ſick might always be ſupplied, at the leaſt expence, with a ſufficient number of proper aſſiſtants on every occaſion.

But the many accurate obſervations that have been publiſhed on air, water, and the ſituation of places, indiſputably prove, not only that the moſt knowing phyſician is incapable of conquering every diſeaſe, but likewiſe that human art cannot accommodate any place with all the requiſite inſtruments for the reſtoration of health, ſo far as experience has furniſhed us with knowledge to apply them.

With

With what gratitude therefore to the hand of providence are we bound to obſerve, that the imperfection of knowledge, and the defects of places, are amply ſupply'd by her umeaſurable bounty. It is from her abundant goodneſs that ſprings of water iſſue from the earth, impregnated with various and powerful principles, conſtituting remedies inimitable by art, and ſuperior in efficacy to the moſt celebrated compoſitions of human invention.

But ſo ſubtle is the nature of many of theſe waters, they can never be removed far from their ſources, without a ſenſible diminution of their virtues. Amongſt theſe, none are more deſervedly diſtinguiſhed than the hot ſprings at Bath. Theſe, experience ſhews us, not only become a ſafe and effectual remedy in many diſeaſes at a diſtance from

from the ſpring, in which, drank at it, they would be very prejudicial; but, on the other hand, prove very inſignificant when drank at a diſtance from their ſources, in diſorders which they effectually and quickly cure at the ſpring head.

That the neceſſitous ſick may therefore feel the happy effects of theſe ſalubrious ſtreams in their higheſt perfection, and, with the rich, participate the heavenly gift, it was indiſpenſably neceſſary that an hoſpital ſhould be founded at Bath, which was not, like other hoſpitals, intended to receive poor perſons afflicted with every diſorder promiſcuouſly, but with ſuch diſeaſes only to which the Bath waters were judged to be peculiarly adapted; and this not only for the ſake of the poor, who could not elſewhere be relieved, but with an intent

tent to benefit the rich, by demonſtrating the true effects of Bath waters, under the adminiſtration of rational phyſicians, upon ſubjects obliged by their ſituation and circumſtances to conform to directions.

This the printed applications of the truſtees to ſolicit ſubſcriptions for the eſtabliſhment of the hoſpital, which applications are inſerted in the following pages, moſt evidently demonſtrate; although the majority, or, to ſpeak more properly, the ruling part of the preſent committees, ſeem determined, by their late illegal and extraordinary reſolutions, to debar the community in general from ſo uſeful a knowledge; a knowledge of the utmoſt conſequence to the welfare of the public, juſtly due from the rulers of the charity to the ſupporters of it, and in the procurement of which there is

not a ſubject in this kingdom but is in ſome degree intereſted.

On the general communication of this knowledge the proſperity of Bath, and the credit of the waters depend. From the want of it, thouſands may loſe their lives; and by its being generally communicated, many may be preſerved. How complicated, therefore, muſt the iniquity of thoſe be who endeavour to ſuppreſs it!

Chap. II.

An hiſtorical account of the riſe of the general hoſpital in Bath, with an abſtract of the act of parliament by which it is eſtabliſhed, and the proceedings of the governors by virtue thereof.

THE ruins of the magnificent bathing places, lately diſcovered in the city of Bath, fully ſhew that the hot waters there were externally uſed as a warm bath many ages ago; but we have no traces of their having been inwardly preſcribed by phyſicians, before the reſtoration of Charles the ſecond. It was about that time invalids began to drink them as a remedy in the cure of diſeaſes; a few remarkable inſtances ſoon eſtabliſhed

their credit, by convincing the world of their ſovereign efficacy. Many diſorders were eſteemed incurable without their aſſiſtance, and the poor were intitled with the rich to the benefit of their uſe.

All the poor ſubjects of his majeſty (ſays Mr. Wood in his deſcription of Bath) had a right to the free uſe of the baths at Bath; and until ſometime in the year one thouſand ſeven hundred and fourteen, juſtices of the peace, in their ſeveral counties, had power to licence all who had occaſion for the uſe of thoſe healing waters, to travel to their fountains without moleſtation.

But this law expiring, by which the poor who were in need of Bath waters, were protected in their travelling to Bath, and when they came there, no

place being alloted, or proviſion made for their reception and maintenance, Lady Elizabeth Haſtings, and Henry Hoar Eſq; with Mr. Naſh, and many others, convinced of the ſovereign efficacy of the bath, and compaſſionating the infirmities of the poor, in the year one thouſand ſeven hundred and ſixteen propoſed founding a general hoſpital at Bath, for the benefit of ſuch as were real objects of charity, and the bath was thought capable of relieving. In promoting this good work they were warmly aſſiſted by Sir Joſeph Jekill, until a ſcheme was formed to eſtabliſh it, and until he found it impoſſible, from a perverſneſs in many perſons, to procure proper ground in any reaſonable time, whereon to erect a convenient ſtructure for the reception of the poor people that were intended to be relieved.

In the month of October, one thouſand ſeven hundred and twenty-three, the ſubſcription was opened, and Meſſrs. King, Martin, Samborn, Naſh, and Merchant, became collectors; whoſe proceedings touching the ſaid charity were kept in a book for that purpoſe; and when they had collected two hundred and ſeventy-three pounds twelve ſhillings and one penny, proper heads of a ſcheme were propoſed for the eſtabliſhment of the charity, by direction of ſeveral eminent perſons, particularly by the lords preſidents of England and Scotland, the maſter of the rolls, ſome of the judges and great lawyers, Sir Richard Steele, &c. which being compleated, were read to the contributors at a general meeting, who approving of them, elected thirteen repreſentatives to manage the charity, nominated a treaſurer, and ordered a fair copy of what had

had been agreed upon to be hung up in the pump-room for the information of the public.

But the proceedings of this committee not being ſeconded with the encouragement it deſerved, the charity began to languiſh, and no annual meeting was held for the promotion of it in the year one thouſand ſeven hundred and twenty-ſix. On which Mr. Thayer inſtructed Mr. Wood to inform the truſtees, that if a proper building could be begun, he, and many others, would contribute towards it a hundred pounds each.

Thus reanimated, the drooping charity once more raiſed her head, every thing was again forwarded with great vigor; Doctor OLIVER was admitted of the committee, a contract was made for ground to build upon, and

that

that ingenious architect Mr. Wood, anxious for the promotion of the charity, generouſly contributed his beſt endeavours to forward it, by preparing plans for the building ſuitable to the purpoſe; which done, the public were again addreſſed in the following words.

" There being many poor objects " in the ſeveral parts of this kingdom, " who, though they may be provided " elſewhere with phyſic, and the ad- " vice of phyſicians, yet for want of " the aſſiſtance which only the waters " of the Bath can give, continue in a " languiſhing and helpleſs condition. " In compaſſion to the deplorable " caſe of ſuch perſons, *and in view of* " *the improvement which, under the* " *preſent deſign, may be made in the* " *knowledge of the nature and virtues* " *of theſe medicinal waters*, ſome well-

" diſpoſed

" diſpoſed perſons have ſet on foot,
" and hope to eſtabliſh, an hoſpital at
" Bath for the reception of ſixty poor
" diſeaſed perſons, who are to be pro-
" vided with lodging and diet, toge-
" ther with a phyſician, ſurgeon, apo-
" thecary, and medicines."

To this, other particulars relative to the expence of building the hoſpital, and to the monies that had been collected towards it, with the ſeveral rules for the admiſſion of patients, were added, and the whole cloſed with the following words.

" Theſe articles are ſubmitted to
" the judgment of the public, and
" all perſons are deſired to give their
" opinions as to any alterations that
" may promote the good which is in-
" tended by all the contributors."

Beſides this addreſs, which Mr. Wood has recorded at length in his deſcription of Bath, page 286, there is in the committee book belonging to the hoſpital, numb. 1, page 51, 52, after a recital of the proceedings of the committee on the ſixteenth day of February, one thouſand ſeven hundred and thirty-ſeven, a ſeries of reflections, ſetting forth the benefits accruing to the public from general hoſpitals, to which are ſubjoined the following.

" Though the relief of our miſera-
" ble fellow-creatures might be ſuffi-
" cient to induce all good-natur'd per-
" ſons to promote this charity, eſpe-
" cially thoſe who have themſelves felt
" the benefit of theſe healing waters,
" yet it may not be amiſs to mention
" another very great advantage that
" will accrue to the public from ſuch
" an hoſpital being founded at Bath.

" All

" All phyſicians allow that the great-
" eſt certainty that can be attained to,
" in the knowledge of the nature and
" virtues of any medicine, ariſes out
" of the number of obſervations of
" the effects it has on human bodies
" in different circumſtances.

" The world is indeed greatly in-
" debted already to many worthy and
" learned gentlemen of the faculty,
" who have publiſhed their obſerva-
" tions on the Bath waters, and given
" the hiſtories of their patients caſes
" with great exactneſs. Theſe hiſto-
" ries are very valuable, and greatly
" aſſiſt the preſent practicioners in
" the performance of the many cures
" which numberleſs living witneſſes
" can now teſtify that they have re-
" ceived upon the place. But ſurely,
" if the knowledge of the nature and
" efficacy of theſe waters could ſtill be

" rendered more extenſive and certain,
" it would be doing great ſervice to
" every individual in any country or
" age, who may hereafter have occa-
" ſion for their uſe.

" No body can doubt but that this
" hoſpital will greatly contribute to-
" wards this deſirable end, who con-
" ſiders that perſons of high rank are
" too often negligent of their own
" health, and by no means ſo exact in
" taking their medicines, abſtaining
" from things hurtful, or ſtaying the
" due time as could be wiſh'd, and is
" indeed neceſſary, in order to give
" the phyſician a ſufficient opportu-
" nity either of doing them all the
" ſervice their caſes would admit of,
" or making obſervations for the fu-
" ture benefit of others.

" As

" As in this hoſpital every perſon
" will be under the government and
" direction of prudent phyſicians, in all
" circumſtances regarding the health
" of the patient; ſo that *a few years*
" *will furniſh more hiſtories of caſes*
" *which may be depended upon* (if the
" phyſicians keep due regiſters of the
" ſick under their care) *than any*
" *man's private practice could have*
" *done in an age*; and as it is to be
" hoped that the ſucceſs which may
" reaſonably be expected from the re-
" gularity of theſe poor creatures,
" may induce others of better condi-
" tion voluntarily to imitate them in
" the management of themſelves, that
" they may receive the like benefit;
" every body may ſee how great an
" advantage this will be to the pub-
" lic, the ſick will be healed, many
" pariſhes will be eaſed of the bur-
" then of their uſeleſs poor cripples,

" *and*

"*and the knowledge and uſe of Bath*
"*waters will be greatly improved, to*
"*the benefit of all ſucceeding genera-*
"*tions.*"

But notwithſtanding the public were thus warmly addreſſed, and every thing ſeemed ripe for the completion of the deſign, a diſpute ariſing by the artful proceedings of an attorney, afforded an opportunity to one of the truſtees of the charity to procure to himſelf the ground intended to be built upon, and thereby, for that time, to diſappoint the expectation of the public. Thus in the very infancy of this charity, did ſome of thoſe who were entruſted with the care of it, from private views, retard its progreſs.

In this difficulty, Doctor OLIVER having ground that he thought convenient

venient for the purpoſe, benevolently conſented to accommodate the truſtees therewith, which although they agreed at one meeting to accept, for reaſons now unknown, they, at a ſubſequent one, rejected, and thereby a ſecond time prevented the hoſpital from being begun to be built.

But in the year one thouſand ſeven hundred and thirty-ſeven, when play-houſes were prohibited by parliament, except in the metropolis, the theatre, which 'till then had been employed as ſuch in the city of Bath, with ſome adjacent buildings, were looked upon to afford a proper ſituation for the hoſpital, and were purchaſed by the truſtees in December, one thouſand ſeven hundred and thirty-ſeven, for that purpoſe.

On this, the charitable were again addreſſed in the public news-papers; they were informed of what had been done; and with a repetition of the arguments that had been before urged for the promotion of the charity, aſſurances were given that all donations ſhould be faithfully applied to the purpoſes intended by the donors; and the whole of their deſign was again ſubmitted to the judgment of the public, to which their proceedings ought ſtill to be liable, ſince not only the eſtabliſhed fund, and the whole income of the hoſpital, is the product of voluntary contributions, and the governors themſelves veſted therewith, in truſt only for the ſeveral ſubjects of his majeſty, who by law, if they are proper objects, are entitled to it, not as a matter of favour, but as a matter of right.

Land to build upon being at length acquired, and two thouſand and eighty-two pounds raiſed, that worthy friend to the public, and patron of the diſtreſſed, RALPH ALLEN Eſq; with his uſual unbounded generoſity, ſeeing the utility of this charity, not only gave to the truſtees all the ſtone for the building of the hoſpital, but likewiſe delivered it at the work at his own expence, beſides otherwiſe largely contributing to the promotion and ſupport of it.

The requiſites for proſecuting this grand deſign being thus procured, the firſt ſtone for the building was laid by the Earl of Bath on the ſixth of July, one thouſand ſeven hundred and thirty eight, after recording which, in Mr. Wood's deſcription of Bath, page 290, are the following words.

" And thus, after more than eleven " years ſpent in fruitleſs attempts, the " work was put upon ſuch a footing as " to be carried on without the leaſt " impediment; *the acting truſtees of* " *the charity making it a conſtant rule* " *to admit into their number every per-* " *ſon that ſhewed the leaſt inclination* " *for encouraging it*, and no leſs than " ninety-two were admitted between " the twenty-ſecond day of Decem- " ber, one thouſand ſeven hundred " and thirty-ſeven, and the nineteenth " of April, one thouſand ſeven hun- " dred and thirty-nine; by whoſe " contributions, and many others, the " ſubſcription was then advanced to " the ſum of four thouſand two hun- " dred ſixty-eight pounds, ſix ſhil- " lings, and ſix-pence three farthings " in money."

A clear

A clear evidence of the advantage to be expected from ſuch open proceedings, and a fact ſufficiently demonſtrating that any excluſive orders muſt be injurious to public concerns. How aſtoniſhing therefore is it that any ſuch excluſion ſhould now be countenanced in the management of this charity!

When the building was advanced almoſt to the ſecond ſtory, the truſtees thought it expedient to attempt the full eſtabliſhment of this charity, and for that end applied for, and obtained, an act of parliament, which took place on the firſt day of May, one thouſand ſeven hundred and thirty-nine, in which, as we are informed, ſeveral perſons are named governors, that never contributed towards the charity, inſtead of old truſtees and benefactors; which was probably owing to want of recol-

lection in the managers, and not to any directions given by the truſtees in general, or any quorum of them.*

The preamble of this act recites, that the medicinal waters of Bath had been found by long experience to give relief to perſons labouring under divers diſeaſes, and that it often happens that poor perſons afflicted with ſuch, live at a great diſtance from Bath, and cannot bear the expence of going and attending to try them for their benefit and relief. And likewiſe that his moſt excellent majeſty, out of his royal bounty, with divers other charitable and well-diſpoſed perſons, had contributed and raiſed by free gift the ſum of four thouſand pounds and upwards, in order to erect an hoſ-

* See Wood's deſcription of Bath, page 292.

hoſpital in the ſaid city, for the relief and ſupport of ſuch indigent poor, of Great-Britain and Ireland, as are not, without ſuch help, able to procure to themſelves any benefit from the ſaid waters.

It is therefore enacted, That from and after the twenty-fourth day of May, one thouſand ſeven hundred and thirty-nine, there be, and ſhall be, a corporation to continue for ever, for the better regulating, governing, ordering, and eſtabliſhing, an hoſpital or infirmary in the city of Bath, which ſhall be adjudged to be one body corporate and politic in deed and in law, by the name of the preſident and governors of the hoſpital or infirmary at Bath; and after naming ſeveral perſons of the firſt diſtinction in the kingdom, and others to the number of ninety, they and their ſucceſſors,

in truſt for the benefit of the poor, are veſted with, and enabled to have and receive, all monies and contributions belonging to the ſaid charity, and without licence in mortmain, to purchaſe lands and other hereditaments to any value not exceeding one thouſand pounds per annum.

Theſe governors together conſtitute the whole corporation, and have each of them a right to be preſent at every general court, and to vote in all matters that come before it. From amongſt theſe governors named in the act, a court of committees is appointed, conſiſting of a preſident, three treaſurers, and thirty-two aſſiſtants; which ſaid ſeveral gentlemen in the act, particularly named for conſtituting the firſt court of committees, were to remain preſident, treaſurer, and committees from the paſſing of the

the ſaid act, until the firſt day of May one thouſand ſeven hundred and forty, *(a)* on which day, and on the firſt day of May in every year, unleſs the ſame happens upon a ſunday, and then on the Monday next, it is required a new preſident, three treaſurers, and thirty-two aſſiſtants ſhould be choſen, who are to continue to be a court of committees for one whole year, and no longer.

The buſineſs of this general or annual court, which conſiſts of the whole corporation, is yearly to elect the preſident, treaſurers, and committees, to

(a) Be it enacted, that on the firſt day of May 1740, and on the firſt day of May every year yearly for ever, unleſs the ſame ſhall happen on a Sunday, and then on the Monday next following, by a general court or aſſembly to be then held of the preſident and governors of the ſaid corporation for the time being, a new choice or election of a preſident, three treaſurers, and thirty-two committees or aſſiſtants, ſhall be made and taken by the ſaid preſident and governors, or the major part of them then preſent for the year then next following, who after ſuch election ſhall continue and remain ſuch *until the next general court* or aſſembly *to be annually held* for the election of a preſident, treaſurers, and committees or aſſiſtants.

to chooſe new governors in the place of all thoſe who die or reſign, that the number of governors, out of which the court of committees is annually to be elected, may be conſtantly preſerved ; *(b)* they are likewiſe to elect the phyſicians, ſurgeons, and regiſter, *(c)* and to fill up all vacancies that ſhall happen by the death or removal of any perſons named in the

(b) And *be it* further *enacted* by the authority aforeſaid, *that the* ſeveral perſon and perſons to be employed as *phyſicians, ſurgeons and regiſter* of and belonging to the ſaid hereby erected corporation, ſhall *be* from time to time appointed and *choſen* into ſuch their reſpective ſtations and employments by the ſaid preſident and governors or the major part of them preſent *in* ſuch *general court* or aſſembly, and by them aſſembled at their will and pleaſure, ſhall and may be diſplaced and removed from their reſpective ſtations and employments, and other fit and able perſons thereunto appointed and choſen in their room.

(c) Provided alſo, and *be it enacted*, that *if there be any vacancy* or vacancies *of any* of the ſaid *perſon* or perſons *appointed by this act or choſen at a general court as aforeſaid*, happening by death or removal, *ſuch vacancy* or vacancies *ſhall be filled up* at a general court or aſſembly to be held of the ſaid preſident and governors *after fourteen days notice* at leaſt *to be given thereof*, by affixing public notice of ſuch election in the pump-room at Bath aforeſaid, and that no ſuch election ſhall be made unleſs there be the preſident or his Deputy and nine governors at the leaſt preſent at ſuch election.

the ſaid act; or choſen by virtue of it, at a general court, to hold any office or employment in the hoſpital.

When this general court or annual aſſembly of the whole corporation, appointed to be held on the firſt day of May is broke up, they have no power to aſſemble themſelves again, as a general court, until that day twelve months, having no authority given them when met, to adjourn; for the act expreſsly ſays, that when the committee is elected, on the ſaid firſt day of May, they ſhall continue until the *next general court* to be *annually* held.

To prevent any inconvenience from this, the preſident, and any ſeven of

the court of committees, are *(d)* impowered to hold a weekly court, and are authoriſed to take care of all matters, and to do all buſineſs relative to the hoſpital; to elect and diſplace ſervants,

(d) And be it further enacted by the authority aforeſaid, that the ſaid preſident or his deputy with any ſeven or more of the ſaid committees or aſſiſtants for the time being, ſhall make a full court of committees and ſhall meet from time to time upon Thurſdays weekly, or at ſuch other time as they ſhall think fit, or ſuch other time or times as the ſaid preſident and governors by any by-law or ordinance by them to be made in a full court or aſſembly ſhall direct or appoint, and ſuch court of committees ſhall have power when aſſembled as aforeſaid in the name of the ſaid corporation, and on their account to direct the finiſhing the ſaid building and to diſpoſe of the monies hereby veſted in the ſaid corporation in diſcharging or paying for the ſame, or in the purchaſe of any lands, meſſuages, tenements or any eſtates, or intereſt ariſing or derived out of any lands or tenements whatſoever, together with the yearly value of all ſuch other lands, tenements or hereditaments, or of ſuch eſtates or intereſts ariſing or derived out of the lands, tenements and hereditaments, as the ſaid corporation or their ſucceſſors ſhall any-wiſe acquire or take by virtue of this act, not exceeding, in the yearly value thereof, the afore mentioned Sum of 10000l. over and above all reprizes for the uſe of the ſaid corporation and their ſucceſſors, for the benefit of the ſaid hoſpital, and with and under their common ſeal to enter into any covenants or contracts for the purpoſe aforeſaid, as they ſhall think fit for the better effecting and carrying on the charity hereby intended, and to appoint and chooſe and at their pleaſure to remove, diſplace and ſupply ſuch officers, ſervants, and other perſon or perſons to be employed for the purpoſes herein mentioned and intended, or other the affairs of the ſaid corporation (other than

and

ſervants, and all officers *except the phyſicians, ſurgeons, and regiſter*, from doing which they are *(e)* expreſsly reſtrained; the ſame being directed to be done by the general court only.*

And indeed it plainly appears by the law itſelf, that the gentlemen who had the ſettling of this act were ſenſible it was impoſſible for them to think of every regulation, neceſſary for the management of the charity, to which the compulſive force of a law might be requiſite. Experience alone could ſhew them that; — moſt prudently therefore

and (e) except ſuch officers or perſons as are herein directed to be appointed and choſen at a general court or aſſembly of the ſaid corporation hereby erected) and to direct and appoint ſuch ſalaries, perquiſites, or other rewards for their labour or ſervice therein as they ſhall approve of and think proper, and to take in ſuch poor perſons, as by this act are deſcribed and directed under their care, and to make ſuch proviſion for their maintenance and cure as they ſhall think neceſſary and convenient, and to do, manage, tranſact and determine all ſuch other matters and things, as ſhall to them, or the major part of them, appear neceſſary or convenient for the effecting or carrying on the purpoſes hereby intended.

* See the note *(b)* page 44.

therefore are the governors in a general court or annual aſſembly legally met, as aforeſaid, impowered by the act to make *(f)* by-laws for the government of the ſame; yet to prevent any ſuch from being compulſive, which ſhould be inconſiſtent with the law of charity, or the common law of the land, it is wiſely enacted that every by-law, and every alteration thereof,

(f) And be it further enacted by the authority aforeſaid, that it ſhall and may be lawful for the ſaid preſident and governors in a general court aſſembled as aforeſaid, to make ordain and conſtitute ſuch and ſo many by-laws, conſtitutions and ordinances as to them or the greater part of them then and there preſent ſhall ſeem neceſſary and convenient for the finiſhing the ſaid building, and for the better governing, regulating, ordering and eſtabliſhing of the ſaid hereby erected corporation, and the officers, ſervants and perſons by them in and about the affairs to be employed of and concerning the ſaid hoſpital and infirmary, and the ſick perſons or patients to be taken therein under their care, and for the auditing the accounts of the ſaid hoſpital and the ſame by-laws, orders, ordinances, and conſtitutions ſo made to put in uſe accordingly, and at their will and pleaſure to revoke, change and alter the ſame, *which* ſaid *by-laws*, orders, and ordinances ſo as aforeſaid made *ſhall be* duly kept and obſerved ſo always as the ſaid conſtitutions, by-laws, orders and ordinances be *reaſonable, and not contrary* or repugnant *to the ſtatutes, cuſtoms, or laws of this kingdom, and be approved of by the biſhop of Bath and Wells, and the juſtices of aſſize for the county of Somerſet for the time being*, and for which approval no fee or other reward ſhall be taken.

thereof, ſhould be invalid, unleſs it had the ſanction of being approved by the biſhop and judges, as therein is directed.

Whatever laws, orders, or rules, may therefore have been made, except upon a firſt of May in ſuch a general court, and except the ſame have been confirmed by the biſhop and judges, cannot be binding on any party; though it may be urged as an apology to ſuch as are ſtrangers to thoſe particulars, for the very extraordinary conduct of chooſing and continuing ſix phyſicians to forty patients, and allowing three only to a hundred and twelve.

By the ſaid act it is enacted, that "any perſon or perſons whatſoever, "reſident in, and belonging to Great-"Britain or Ireland, whoſe circum-

"ſtances

" ſtances are ſuch that they are not
" able to have the benefit of the ſaid
" waters without charitable relief, ſhall
" have a right, and be entitled to the
" advantages of the ſaid hoſpital;
" ſuch perſon or perſons to be choſen
" and admitted into the ſame from
" time to time, in ſuch manner, and
" under ſuch conditions and regula-
" tions, as are hereafter mentioned;
" that is to ſay,—

" The caſe of ſuch perſon or
" perſons, labouring under, or af-
" flicted with any diſeaſe, illneſs or
" diſorder, being firſt drawn up and
" atteſted by ſome phyſician, or per-
" ſon of ſkill in the neighbourhood
" of the place where ſuch perſon or
" perſons have reſided for ſome time
" before, of ſuch the ſtate or
" condition of ſuch perſon or perſons,
" and a certificate of the poverty or

" circum-

" circumſtances of ſuch perſon or
" perſons, atteſted by the miniſter and
" church-wardens of ſuch place, or
" other creditable perſons, being tranſ-
" mitted to the regiſter of the ſaid
" hoſpital, together with the age or
" ages of ſuch perſon or perſons, ſuch
" certificates ſhall be laid by the ſaid re-
" giſter before the committee of the
" ſaid governors appointed to meet on
" Thurſday weekly, or at ſuch other
" time as they ſhall think fit, which
" committee ſhall conſiſt of the num-
" ber of ſeven at leaſt, at which
" committees the phyſicians and ſur-
" geons belonging to the ſaid hoſ-
" pital are to attend, having notice
" from the regiſter of the time of
" ſuch meeting; and that at the next
" committee happening after the re-
" ceipt of ſuch caſes and certificates,
" the ſame ſhall be taken into conſi-
" deration; and if it ſhall appear

" and

" and be adjudged, by the major
" part of the ſaid committee then
" preſent, that ſuch perſon or perſons
" is or are proper objects of the ſaid
" charity, it ſhall be then entered or
" minuted down in a book or books to
" be kept for that purpoſe by the ſaid
" regiſter, and orders ſhall be given to
" the ſaid regiſter to ſignify the ſame
" to ſuch perſon or perſons, or to the
" miniſter or miniſters of the place or
" places of which ſuch perſon or per-
" ſons is or are; and that ſo ſoon af-
" ter as there is a vacancy or vacancies
" in the ſaid hoſpital, the ſaid regiſ-
" ter ſhall notify or make known the
" ſame by letter or letters, or other-
" wiſe, for ſuch perſon or perſons to
" come to the ſaid hoſpital within a
" reaſonable time to be limited for
" that purpoſe, which ſaid perſon or
" perſons ſo to be admitted ſhall
" bring back the letter or letters ſo

" wrote

" wrote or ſent from the ſaid hoſpi-
" tal, touching his, her, or their
" admiſſion, together with a certifi-
" cate or certificates, if ſuch perſon
" or perſons come from any part of
" England or Wales, under the
" hands and ſeals of the miniſter of
" the pariſh, church-wardens and
" overſeers of the poor of the pariſh,
" townſhip or place, or two of them
" belonging to ſuch part of England
" or Wales, or under the hands and
" ſeals of the miniſter of the pariſh
" and overſeers of the poor, or any
" two or more of them, where there
" are no church-wardens, to be at-
" teſted by two or more credible wit-
" neſſes, thereby owning and ac-
" knowledging the perſon or perſons
" mentioned in ſuch certificate or
" certificates, to be an inhabitant or
" inhabitants legally ſettled in, or be-
" longing to that pariſh, townſhip

" or place, every ſuch certificate ha-
" ving been allowed of and ſubſcri-
" bed by two or more of the juſtices
" of the peace of the county, city,
" liberty, borough or town corporate,
" wherein ſuch pariſh or place doth
" lie, to the end that ſuch perſon or
" perſons, when diſcharged from the
" ſaid hoſpital, either cured or as in-
" curable, may be removed and con-
" veyed back to the pariſh or place
" from whence ſuch certificate was
" brought, a copy of which certifi-
" cate ſhall upon the admiſſion of any
" perſon or perſons into the ſaid hoſ-
" pital be delivered by the regiſter to
" the church-wardens and overſeers
" of the poor of the pariſh of St.
" Peter's and St. Paul's in the ſaid
" city, or ſome or one of them; and
" the ſaid regiſter ſhall alſo give no-
" tice in writing to the ſaid church-
" wardens and overſeers of the ſaid

" pariſh,

" pariſh, or ſome or one of them,
" from time to time, as often as any
" ſuch perſon or perſons are diſchar-
" ged out of the ſaid hoſpital ; or if
" any ſuch perſon or perſons ſo to
" be admitted come from Scotland or
" Ireland, then ſuch perſon or per-
" ſons ſhall not only bring back the
" letter or letters ſo wrote or ſent
" from the ſaid hoſpital, for his, her,
" or their admiſſion, but alſo ſuch
" certificate or teſtimonials touching
" the place or places whereto he, ſhe,
" or they did or do belong, in or-
" der to return thither when diſchar-
" ged from the ſaid hoſpital, either
" cured or as incurable, as the ſaid
" governors ſhall by any by-law, or-
" der, or ordinance, to be made in
" and by virtue of this act, direct,
" require, order or appoint."

There is likewiſe a clauſe to ſecure to the patients of the hoſpital the uſe of the old hot bath and the old pump; and the remaining part of the act is to ſecure the pariſhes from expence, on account of ſuch vagrants as reſort thither for cure.

Having now ſhewn the ſubſtance of the law from which the whole power of the truſtees is derived, let us next ſee how far the ſeveral orders and reſolutions they have made, are conſonant to it, and to the ſeveral good purpoſes, intended by the contributors to this charity.

In Book numb. 1. entitled the committee book of the truſtees of the general hoſpital, are the following entries.

December 7, 1738, page 90.

" It is ordered that all the phyſi-

cians

cians and ſurgeons of the hoſpital be deſired to attend a committee of the truſtees on board days to conſider of the caſes, and to order the ſecretary to tranſmit anſwers to the ſeveral perſons as ſhall be adjudged proper by a majority of the phyſicians, ſurgeons and truſtees then preſent."

" All differences which may poſſibly ariſe about the qualifications of the perſons recommended to the hoſpital ſhall be determined by a majority of perſons preſent; but if an equality of votes ſhall happen, ſuch equality ſhall prevail always for the admiſſion of the perſon whoſe caſe was diſputed."

June 16, 1739.

It is recorded that the act for eſtabliſhing and well governing the hoſpital or infirmary in the city of Bath was that day read.

May

May 1, 1740, page 146.

" Doctors, William Oliver, Edward Harrington, and Alexander Rayner, were elected phyſicians to the hoſpital; Mr. Jeremiah Pearce ſurgeon, and J— Morris apothecary."

November 26, 1741, page 167.

" Ordered, that all the gentlemen of the faculty of phyſic be deſired to meet here this day ſe'nnight at the ſame hour to conſider of providing proper utenſils for the apothecary's ſhop."

May 18, 1742.

It is recorded that the hoſpital was then opened for the reception of patients.

June 3, 1742, page 199.

" Ordered that no perſon ſhall be admitted a ſurgeon to this hoſpital, but

but ſuch only as have ſerved ſeven years apprenticeſhip to a perſon of reputation in his profeſſion."

" Reſolved, that on Thurſday the twenty-fourth inſtant, at a general court, there will be an election of ſurgeons for the hoſpital, and that notice thereof be put up in the pump-room."

June 24, 1742, page 204.

" Reſolved, that any ſurgeon who has been regularly bred, and qualified in the opinion of a general court, may be elected ſurgeon to this hoſpital, though he ſhall not have ſerved ſeven years."

" Ordered, that Mr. Archibald Cleland, Mr. Thomas Palmer, Mr. H. Wright, and Mr. John Donne be, ſurgeons to this hoſpital."

The order and reſolution at the firſt of theſe meetings, as I have been informed, was made to preclude a particular perſon from being received ſurgeon to the hoſpital, and the order at the laſt was made to admit him. This very gentleman on whoſe account theſe contradictory orders were made, was ſuſpended on the ſeventh day of September, one thouſand ſeven hundred and forty-three, and on the twenty-firſt of the ſame month diſmiſſed: But in the records of the management of the governors of this charity, no reaſon is entered for any one act they have done; ſo that it is impoſſible for any one from the inſpection of their books to form any judgment of the rectitude of theſe proceedings.

January 20, 1742, page 248.

It is recorded that Doctor Harrington was the attending phyſician for the enſuing week. January

January 27, 1742, page 250.—Doctor Rayner the then Week.

February 3, 1742, page 251.—Doctor Oliver attended for that week.

June 15, 1753.

The preſident and governors ordered the ſecretary to ſend a letter to the biſhop, in which was the following paragragh.--" The governors hope " that your lordſhip will excuſe giving " you this trouble, *the well being of* " *the hoſpital depending upon the* " *full publication of the law*, by " which all their proceedings muſt " ever be determined and regulated."

Can any one read this and not be aſtoniſhed, that after ſuch a declaration the laws relating to the management of the hoſpital are not only con-

cealed from the inſpection of the public, but openly violated to anſwer a private purpoſe diametrically oppoſite to the intention of thoſe who eſtabliſhed the charity?

Committee-book the ſecond.

May 15, 1744, p. 3, 4.

"Reſolved, that after the patients now in the houſe are reduced to forty, that number ſhall not be exceeded for the enſuing year, 'till the firſt of May, one thouſand ſeven hundred and forty-five."

* "Reſolved that Doctor Hartly, Doctor Boſtock, and Doctor Brewſter, are elected phyſicians to the hoſpital."

May

* This election was made clandeſtinly without any previous notice put up in the pump-room.

May 23, 1744, p. 7.

" Reſolved that the following advertiſement be inſerted in the public papers.

" Whereas the admiſſion of too great a number of patients into the hoſpital at Bath has occaſioned the expence of the ſaid hoſpital to exceed the yearly receipts, the governors are come to a reſolution to reduce the number of patients to forty, and not to admit of any more than that number at any one time, 'till May-day next; of which they think fit to give this public notice."

By this entry in the hoſpital books of the election of theſe three phyſicians, they might, for all that appears there to the contrary, have been choſen in the room of the former; but the

following entries clearly prove, that they were not choſen in their room, but to act in conjunction with them.

May 30, 1744, page 8.

It is recorded that for the enſuing week the phyſician was Dr. Brewſter.

June 6, 1744, page 10.

Doctor Oliver.

June 13, 1744, page 12.

Doctor Harrington.

June 20, 1744, page 14.

Doctor Alexander Rayner.

June 27, 1744, page 15.

Doctor Boſtock.

July 4, 1744, page 16.

Doctor Hartly.

Auguſt 15, 1744, p. 22.

" Mr. Philip Ditcher is this day elected one of the ſurgeons to this hoſpital."

This election does not appear to have been made by virtue of any public notice; or on the firſt of May, as the act directs.

October 31, 1744, p. 35.

" Reſolved, that Thurſday the fifteenth of November next be appointed for a general court, at five o'clock in the afternoon, and that notice be given thereof by the regiſter, in the pump-room."

" Received

" Received a letter from Mr. Giles Jones, ſurgeon, deſiring to be admitted into the hoſpital as a ſurgeon, which is to be referred to the general court of the 15th inſtant."

If this notice was neceſſary for the election of Mr. Jones, why was it not given when Dr. Hartly, Dr. Boſtock and Dr. Brewſter were elected phyſicians, and when Mr. Ditcher was choſen ſurgeon, ſince none of thoſe elections were made on the firſt of May, the only day appointed for a general court, at which, and which only, this buſineſs could be legally done.

November 15, 1744, p. 38.

" Mr. Giles Jones was this day duly elected a ſurgeon to this hoſpital."

" Ordered,

" Ordered, that the number of patients which at preſent are forty, be increaſed to forty-five, in conſequence of Mr. Coleſtone's benefaction."

February 11, 1746, p. 183.

" Reſolved, that if any phyſician or ſurgeon attending the ſaid general hoſpital ſhall affirm that any patient (though not his own patient) has in his opinion received ſome benefit, and to the beſt of his judgment may receive future benefit, ſuch patient ſhall be continued, 'till diſmiſſed in the uſual manner."

May 1, 1747, p. 202.

" Reſolved, that ſix phyſicians, and no more, attend this hoſpital."

" Reſolved, that ſix ſurgeons, and no more, attend this hoſpital."

" Reſolved,

"Reſolved, that Doctor Woodford, and Doctor Moyſey, be deſired to attend this hoſpital as phyſicians to the ſame."

N. B. At this time Doctor Rayner and Doctor Boſtock were dead, though no mention is made of it in the hoſpital books. And theſe gentlemen were elected in their room.

May 6, 1747, page 204.

It is recorded that for the enſuing week the phyſician was Dr. Woodford.

May 13, 1747, page 206.

Doctor Moyſey.

May 20, 1747, page 207.

Doctor Harrington.

May

May 27, 1747, page 208.
Doctor Hartly.

June 3, 1747, page 209.
Doctor Brewſter.

June 24, 1747, page 212.
Doctor Oliver.

November 2, 1748, p. 193.

" Doctor Brewſter reported that Doctor Hartly has reſign'd being a phyſician to this hoſpital, on account of his ill ſtate of health, at which time Doctor John Sommers was unanimouſly elected in his room."

" Ordered, that the thanks of this court be preſented to Doctor Hartly, for the many benefits this houſe has received of him, and that Doctor Brewſter is deſired to ſignify it to Doctor Hartly."

To elect a phyſician on this day of the year the governors had no power, eſpecially as they did not give the notice required by law of holding a court for that purpoſe. This election of a phyſician the inſtant a vacancy happened was made on purpoſe to prevent another gentleman from ſoliciting the appointment, which was ſuſpected to be his intention by many of the governors then preſent.

November 16, 1748.

It is recorded that for the enſuing week Doctor Sommers was the attending phyſician.

May 1, 1749, p. 223.

" Ordered, that the number of patients taken into this hoſpital, for the enſuing year, be ſeventy-five."

Com-

Committee-Book the third.

May 1, 1750, p. 55.

" Ordered, that the number of patients taken into this hoſpital, for the year enſuing, be eighty, excluſive of Lord Colerain's patient."

" Ordered, that the number of phyſicians and ſurgeons attending this hoſpital be only three of each, as ſoon as they ſhall be reduced to that number by death or reſignation."

" Doctor Hartly acquainted this general court that he reſigns being governor of this hoſpital."

" Doctor Harrington finding himſelf incapable of performing his duty in this hoſpital, deſires leave to reſign."

" Ordered, that a committee be appointed to conſider of what by-

laws may be of ſervice to this hoſpital, and that they do report their opinion at the general court of the firſt of May, one thouſand ſeven hundred and fifty-one, for examination of the ſame according to the act of parliament."

May 1, 1751, p. 122.

" Ordered, that the court of committees or aſſiſtants do conſider what by-laws will be neceſſary for the benefit of the hoſpital, to be confirmed by the biſhop of the dioceſe, and judges of aſſize, and report their opinion at the next general court."

May 29, 1751, p. 126.

" Reſolved, that a hundred and twelve patients, ſixty-three men and forty-nine women, be received into this houſe for the enſuing year, being

the

the whole number that the houſe will conveniently hold."

In the printed account of the charity to May, 1758, after cloſing the preceding year's account, is the following notice.

" This hoſpital was open'd for the reception of patients in the year 1742, and the governors, by the generous benefaction of the public from the year 1750 'till laſt year, were enabled to admit as many patients into the houſe as it would conveniently hold: But the benefactions being much leſs than uſual, and the conſtant number of the patients in the hoſpital above a hundred, the annual expence hath reduced the capital near one thouſand pounds in two years: Wherefore the governors have thought it adviſeable to limit the number of patients, to be

be at one time in the houſe for the enſuing year, to ſeventy, excluſive of Lord Colerain's patient; but hope, by the experienced generoſity of the humane, again to extend this uſeful and good charity."

It appears likewiſe by the books, that one or other of the phyſicians to the hoſpital has conſtantly been the preſident or vice-preſident of the committee, from the firſt inſtitution of the charity, a thing never known in any other charity of the ſame kind.

From the twenty-ninth of May, one thouſand ſeven hundred and fifty-one, 'till April, one thouſand ſeven hundred and fifty-ſeven, when my reflections on the uſes and abuſes of Bath waters were publiſhed, I do not find that any freſh orders were made; all was conducted under thoſe before recited:

recited: But the chapter relative to the hoſpital in that publication, giving great umbrage, ſeveral extraordinary reſolutions and orders have been ſince made, the ſubſtance of which may be learned from the following pages; though an exact copy of them was not attainable.

The ſight of them having been refuſed not only to me, becauſe I am not a governor, but to a governor likewiſe, becauſe I was with him: Notwithſtanding it was agreed at a general court, that any perſon ſhould be admitted to inſpect the books: Nay, thoſe gentlemen who are the immediate acting rulers of this charity, are ſo very conſcious that their conduct will not bear the light, they now make oral inſtead of written orders, and have abſolutely forbid any extracts being made out of the hoſpital books by

by any perſon whatever ; alledging as a reaſon for ſo doing, that I had once publiſhed againſt the hoſpital, and that they imagined my intention was to do ſo again. But let theſe gentlemen conſider what I have publiſhed, and they will find, it has not been againſt the hoſpital, but againſt that particular part of the conduct of its rulers, which I think injurious not only to the charity, but to the public in general.

If what I then publiſhed was falſe, why do they not ſhew it to be ſo; and if their orders ſince that time be ſuch as are conſonant to law, to reaſon, and to the intentions of the promoters of the charity, could I do them more honour than in making them known to the public?

Nothing implies guilt more than concealment; and ſhall thoſe who

are charged with miſconduct in a national charity be thought undeſerving of cenſure, while they neglect to juſtify themſelves, and refuſe to ſubmit their proceedings to the inſpection of thoſe who ſupport that charity? — To the public, and to their own conſciences, I leave the reply.

Chap. III.

A narrative of my attempt to be elected one of the physicians to the Bath hospital; of the behaviour and proceedings of the governors, committees, and physicians, thereupon; and of their conduct on similar occasions.

HEALTH is the most valuable of human enjoyments, and no trust can be greater than that reposed in physicians; of consequence no plea can justify them in a wilful neglect of their duty.

Honour and humanity are as necessary qualifications for a physician,

ſician, as knowledge in medicine; and it is impoſſible for the mercenary, mean, or malicious, to exerciſe the art of phyſic in that diſintereſted and benevolent manner with which it ought always to be practiſed. It has been the ſtudy and employment of the greateſt and the beſt of men; and it is ſaid, *of the* MOST HIGH *cometh healing*.

From a due regard therefore to the dignity of my profeſſion, I thought myſelf indiſpenſably bound, on my fixing at Bath, to uſe every means in my power, to obtain an inſight into the nature and properties of Bath waters, and into the different ways of uſing them, in the various diſorders to which human bodies are liable, conſcious that the ſick who reſort to Bath for health, muſt be ſuch as are afflicted with diſeaſes in which thoſe

waters are eſteemed particularly proper, and that phyſicians there would be chiefly conſulted on that head.

And as obſervation is a ſurer guide than theoretic reaſonings, in the diſcovery of phyſical truths, and *theoretic reaſonings ſhould not be prior to, but the conſequence of obſervation and experience; it was my deſign to collect together the ſeveral hiſtories of caſes which had been publiſhed by my predeceſſors at Bath, that I might know, from facts, what Bath waters had done in the cure of diſeaſes; but finding no certain rules to be drawn from thence, for reaſons aſſigned in my reflections on the uſes and abuſes of Bath waters, (page 4, 5) I was obliged to ſteer by the light of chymical experi-

* Repertis medicinæ remediis, homines de rationibus eorum diſſerere cœpiſſe: nec poſt rationem, medicinam eſſe inventam, ſed poſt inventam medicinam, rationem eſſe quæſitam.
CELSUS. *Præf.*

experiments alone, which, by demonſtrating what the waters contained, enabled me to conſider the nature and properties of their conſtituent parts, and thence, upon rational principles, to direct their uſe.

But as ſyſtems, which are the product of theoretic reaſonings, though founded upon the moſt eſtabliſhed experiments, are not always indiſputable, I have been truly ſolicitous to have the reflections I deduced from the chymical rationale of Bath waters, either confirmed or diſproved, by the publication of a ſufficient number of caſes, wherein the waters had been fairly tried, and their natural effects on animal bodies fully proved; confident that nothing is more juſt, than that obſervation is the ſource of every art, that thereto we are indebted for their progreſs, and by that it

is, that they are brought to perfection; for although reflection has a conſiderable ſhare in the advancement of knowledge, yet truth is diſtinguiſhed from fallacy by the effects of obſervation alone; leſt therefore any thing I had advanced on the nature of the waters, with a view to point out the beſt methods for their uſe, ſhould be fallacious, and in any inſtance miſguide the practicioner, before my private experience enabled me to diſcover and correct the miſtake; I eſteem'd it my duty to offer my ſervice to the general hoſpital, in hopes of being enabled from the obſervations ariſing from the number of patients received therein, to demonſtrate whether what I had publiſhed be right or wrong, ſooner than it was poſſible for me to do by my own private practice.

Being informed that the governors were proceeding to elect a phyſician to the hoſpital, without giving the notice required by the act; and having learned that the phyſicians to the infirmary were reduced from ſix to two only, though the patients were encreaſed from forty to one hundred and twelve; and conſequently that there were four vacancies, and a greater need of aſſiſtance than ever, without intending to become a competitor with either of my worthy brethren who deſired to be admitted at the ſame time, I addreſſed myſelf to the governors by ſending to each of them the following letter.

To the preſident, treaſurers, and governors of the general hoſpital or infirmary at Bath.

My lords and gentlemen,

The nomination of a perſon to be a truſtee of a charity, is a mark of

of the higheſt confidence, and it would be iniquitous in any one to think that, among the governors of the Bath Infirmary, any gentleman would, from any private motive, knowingly countenance a proceeding which might impede or contract the utility of ſo excellent an inſtitution; or that ſuch a number amongſt them, as are requiſite to conſtitute a committee or general court, ſhould unanimouſly perſevere in an open violation of the expreſs orders of the ſtatute under which they act, and at the ſame time ſanctify the violation itſelf, by giving to it the name of a law, eſpecially when any one in behalf of the charity and the public, appeals to them as its guardians for a redreſs of the grievance.

I beg leave therefore to remind you, that the infirmary of Bath was eſta-

bliſhed, not only with a view to relieve the calamities of the diſtempered poor, whoſe diſorders required the aſſiſtance of Bath waters; but likewiſe that the practicioners in phyſic ſhould thence learn what effects the waters would produce on the body, when aſſiſted in their operation with a proper regimen; which is a knowledge highly neceſſary to be acquired by all who take upon them to adminiſter the waters, and not to be attained by any attendance on the ſick, where a perſeverance in ſuch a regimen cannot be commanded.

But this great and good intention can never be obtained from this charity, ſo long as the phyſicians thereof are limited to two or three only, and even thoſe who are honoured with the appointment, neglect to favour the

public with a faithful narrative of the diſorders, &c. of the ſeveral patients received therein; a performance which has hitherto been totally neglected, though it has long been called for by the general voice of the people; though it has been frequently promiſed; and though every individual muſt be more or leſs intereſted in its due execution; ſurely therefore it is now time that the gates of the hoſpital ſhould be laid open, and every gentleman of the faculty admitted, who is deſirous to contribute his aſſiſtance to the relief of the poor, or to uſe his endeavours for improving his own knowledge for the benefit of the rich, or the honour of the healing art.

But if to ſo reaſonable and diſintereſted a method of proceeding, objections ſhould be made, permit me with-

without offence to obſerve, that the act of parliament for eſtabliſhing the ſaid hoſpital, is as compulſive in one part as in another; and the letter of the ſtatute, and that only, gives power to the governors, or limits them in their proceedings.

In this law, amongſt other things, it is enacted by the authority of the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in parliament aſſembled: "That "the ſeveral perſons to be employed "as phyſicians, ſurgeons, and regiſter "of the hoſpital, ſhall be from time "to time appointed and choſen into "ſuch their reſpective ſtations and "employments by the preſident and "governors, or the major part of "them, in a general court or aſſem-"bly; and by them aſſembled, ſhall

"and may be diſplaced and removed "from their reſpective ſtations and "employments, *and other fit and able* "*perſons appointed and choſen in their* "*room.* And likewiſe, that *if there* "*be any vacancy or vacancies* of any "of the ſaid perſon or perſons appoin- "ted by this act, or choſen at a gene- "ral court as aforeſaid, happening *by* "*death or removal, ſuch vacancy or* "*vacancies ſhall be filled up* at a gene- "ral court or aſſembly, *after fourteen* "*days notice at leaſt* to be given "thereof, *by affixing public notice* of "ſuch election *in the pump-room* at "Bath, and that no ſuch election ſhall "be made unleſs there be the preſi- "dent or his deputy, and nine gover- "nors at the leaſt, preſent at ſuch "election."

In the year 1744, although the patients in the hoſpital were reduced to

to 40, which are now more than 100, it was thought right to increaſe the phyſicians from three to ſix, and ſix were accordingly elected. In May 1747, when the utility of that number had been three years experienced, it was reſolved by a general court, (as by the entries in the books of the charity will fully appear) that ſix phyſicians, and no more, ſhould for the future be the number appointed to attend the hoſpital.

Of this number two only are now remaining, in obedience therefore to the above recited clauſe from the act for eſtabliſhing the infirmary, it is incumbent on the governors to fill up theſe vacancies by the election of four other phyſicians. And as the 18th inſtant is appointed for a general court to elect a phyſician or phyſicians, though not duly noticed as by the act

in

in that caſe is directed, I, having not the honour to be perſonally acquainted with many of the governors, beg leave to take this method of requeſting each of them to favour me with his vote to elect me a phyſician to the hoſpital, in the room of one of thoſe gentlemen who have declined the office; in hopes, that by the experience I may meet with therein, I may ſoon be enabled to perform the promiſe I have given to the public in my *reflections on the uſes and abuſes of Bath waters*, by publiſhing to the world a collection of caſes, which may demonſtrate from facts the real utility of Bath waters in the cure of diſtempers, and confirm, or enable me to correct, the ſentiments I have already publiſhed on that ſubject. From this motive, and this alone, I ſolicit the appointment, though attended with trouble, and unaccompanied with profit; to which, if I have the

honour to ſucceed, I ſhall ſtudiouſly endeavour to merit the thanks of the public, and to give ſatisfaction to my electors, to whom, though unknown, I beg to be eſteemed,

My lords and gentlemen,

Your moſt obedient

Humble ſervant,

BATH, May 12, 1757. W. BAYLIES.

The peruſal of this letter ſo convinced the principal agent among the governors, that electing a phyſician without public notice of the election was expreſsly contradictory to the letter of the act, and not to be juſtified, that the ſubſequent day by ſome unknown authority, without any aſſembly of committees being called to direct it, a paper was fixed up in the pump-

pump-room, notifying that the election of a phyſician to the hoſpital was intended to be made on the eighteenth inſtant, imagining that ſuch public notice, though it was not for the number of days required by law, might ſufficiently remove every objection on that account to any election that ſhould then be made.

This readineſs of conviction, and immediate endeavour to rectify what was wrong, gave me reaſon to hope that the irregularity in the proceedings of the hoſpital governors, had not been the reſult of deſign, but was attributable only to their inattention to the act of parliament. And indeed I began to lay aſide all doubt of its being ſo, from finding ſeveral of the governors, whom I had the honour to ſpeak with on this occaſion, explicit in their opinions, in telling me my

ſolicitations were right and reaſonable, and that they thought the hoſpital ought to be laid open to all the phyſicians at Bath, that the patients may be deprived of no benefit which the ſkill of any one could afford them, and that the knowledge attainable from the experience of the hoſpital, may be as extenſive as poſſible. But ſome of thoſe gentlemen, who declared to me that my ſolicitations were right, afterwards gave up their judgment to the dictates of others, ſuffered themſelves to be carried away with the torrent, and, at the hour of election, agreed to the confirmation of an order deſtructive of the purpoſe I had in view, and which they had before approved.

From the diſtribution of this letter, the ſubject became the general

topic of converſation, and ſo alarmed the brotherhood, that many of the faculty, like the ſilverſmiths in the time of Demetrius, began to make a great ſtir in the city, and on the eighteenth day of May, at the hour appointed, ruſhed with one accord into the theatre, where, when they were aſſembled together, that the matter might come properly before the governors at a general court, the before recited letter was ſent under cover to the ſecretary, directed for the preſident and governors, and incloſed in the following.

My lords and gentlemen,

The application I have made to you ſeparately, to induce you to keep up the number of phyſicians to the hoſpital, has given you time deliberately to conſider the merits of the mat-

matter; and now that the ſubject may be properly introduced to your joint conſideration, I take the liberty of directing one of the ſame letters to you when aſſembled in a general court, being confident that you will, in all your proceedings, ſtrictly regard the letter of the ſtatute for eſtabliſhing the hoſpital, and will, by every reſolution, endeavour to ſupport the charity, and to promote every good end it was intended to produce.

I am,

My lords and gentlemen,

Your moſt obedient

Humble ſervant,

BATH, May 18, 1757. W. BAYLIES.

This the ſecretary, as it was his duty, delivered to the governors, when

they were aſſembled in open court, and the ſame being publickly read, the matter was taken into immediate conſideration. But the notice, for electing on that day, not having been put up in the pump-room for fourteen days, as required by the act, a queſtion was put, whether they could then legally proceed to an election, or not? Which queſtion (that the public might not think they totally diſregarded all injunctions of the act) was determined in the negative; and in conſequence thereof it was reſolved that they would defer the election to the ſecond of June, and that due notice ſhould be affixed in the pump-room of their then holding a court for that purpoſe.

This point being ſettled, though the patients at the time of this meeting were upwards of an hundred, the

next queſtion was, by which reſolution, order, or by-law, they, the governors, ſhould for the future regulate their conduct?

Whether by that made on the day when the patients were reduced to forty, in May 1744, and which was confirmed at the general court on the firſt of May 1747, wherein it was reſolved that ſix phyſicians ſhould be the number to attend on the hoſpital, and in conſequence whereof ſix were elected and continued?

Or, by that made on the firſt of May 1750, at a like court, immediately before Dr. Harrington's reſignation was accepted, which was that day made, and after increaſing the patients from forty to eighty; whereby it is ordered that the phyſicians to the hoſpital ſhould be limited to three, and three only,

ſo

ſo ſoon as thoſe then in attendance ſhould be reduced to that number by death or reſignation?

This queſtion was put to the governors in the manner above, that whatever reſolution ſhould be made thereon, ſhould be diveſted of all appearance of prejudice to me, and look as if the ſame was done in ſupport only of their laſt former order, or by-law, made and agreed to at a time when there were no diſputes.

But that no one may be deceived by ſuch ſubtilty and artifice, let the reaſon, hereafter aſſigned, for the making of this laſt mentioned order, be duly conſidered; let it be alſo remarked, that neither this nor any one order of the governors, was ever confirmed by the biſhop and judges, as by the act is required, and that for want

want thereof, they muſt be in every reſpect invalid; and let it be further obſerved, that as the governors at a general court had, by virtue of * one clauſe therein, elected ſix phyſicians to attend the hoſpital, they were ever after obliged by ‡ another, to elect others in their room, whenever either of thoſe, ſo elected, died or reſigned the employment.—I ſay, let any one conſider theſe particulars, and to his deciſion I leave the determination, whether it be not inconſiſtent with the intentions of thoſe who firſt promoted the charity, with reaſon, with the juſtice due to the public, and with the law itſelf, that this laſt order has been adopted?

In debating this queſtion, Sir Robert Throckmorton Bart. Anthony Keck and

* See note *(b)* page 44.

‡ See note *(c)* page 44.

and John Roffy Eſqrs. with Doctor Davies, governors, equally impowered with any other gentlemen in the management of the hoſpital, and above influence from any private motive, moved with a true communicative Chriſtian ſpirit, and anxious to promote every means that might tend to augment the funds of the charity, which, at that juncture, were loudly proclaimed to be on the decline, ſtrenuouſly urged that every gentleman of the faculty, who was precluded admiſſion into the hoſpital, would naturally with-hold any contribution he himſelf might be inclined to give to its ſupport, and that, as each of them had his friends, it might be reaſonably concluded, they would do ſo likewiſe.

Wherefore, as there was no additional expence to the infirmary, from an increaſe of phyſicians, it ſeemed

to

to them not only reaſonable for the good of the community in general, but their duty, as truſtees to the charity, to preclude no perſon whoſe good-will towards it might any ways tend to its ſupport, and therefore they were of opinion, that the number of ſix phyſicians ought to be continued.

The neceſſity and rectitude of this argument, to prevent any man being made an enemy to the charity, the reſolution of the governors, at the next annual court, fully demonſtrates; whereby it appears, that the income of the hoſpital was greatly leſſened, and the capital ſo conſiderably reduced, as to make it neceſſary to decreaſe the number of patients to ſeventy, for want of a ſufficiency to ſupport them.

But, unanſwerable as this muſt appear to every one who is a friend to the hoſpital, from no motive but the true principles of charity, they will not be ſurpriſed to find it of no force, when they maturely conſider how the vacancies in the corporation for managing the hoſpital have been generally filled up; and that in reply thereto, a very diſtinguiſhed gentleman among the governors informed the court, that he had the honour to be governor of many hoſpitals in London, that he had made it his buſineſs to enquire how many phyſicians were attendant on each, that three were the utmoſt attendant on any, that they were enough to attend this, and that by the ſucceſſion of a greater number the ſick would be injured, by being ſubjected to a variety of practice from many opinions; wherefore he thought it his duty to oppoſe any increaſe of phyſicians to the hoſpital at Bath.

Had not this gentlemen been too ſanguine in the oppoſition he intended, he might probably have made a more accurate enquiry, and, on a little better conſideration, ſeen the inſignificance of his own arguments; he might have obſerved, that hoſpitals in London are many, in Bath only one; that the caſes received into the former are ſuch as are to be met with in all hoſpitals; thoſe in the latter in that, and that only; that the phyſicians to the former have numbers of pupils to render the obſervations afforded therein extenſively uſeful; that thoſe to the latter have no pupils at all, and that for want of the caſes therein being made known to the public, the knowledge they afford is monopolized for the preſent, and muſt be loſt in the end; that therefore the hoſpitals in London ought to be no rule, in this particular, for that at Bath.

Nay,

Nay, had he been careful in his enquiries, he would have found, that his averment, of no more than three phyſicians being attendant on any hoſpital in London, is without foundation; as he would likewiſe, that the diſadvantage, which he talks of being produced to the ſick, by an increaſe of phyſicians to the Bath hoſpital, has exiſtence only in his own imagination; for though each of the phyſicians thereto attends in his turn, to receive patients into the hoſpital, yet the patients are never aſſigned to the care of another phyſician, but continued from the time of admiſſion to that of their diſcharge, under the care of him who was attendant at the time they were received, and under his care alone, unleſs from the obſtinacy of the caſe, that phyſician finds it expedient to call to his aſſiſtance either of the other. And whether three phyſicians

be

be ſufficient to attend this hoſpital, or any other, in which are upwards of a hundred invalids, when thoſe three boaſt of having the chief employment amongſt the opulent at Bath, I leave to the deciſion of any man of common ſenſe, without any further remarks on ſo abſurd a poſition.

Having now anſwered all this worthy gentleman's obſervations, I will proceed to the conduct of my brethren in this important debate.

And, firſt, I muſt obſerve, that Doctor OLIVER, who has long held the reins of the government of this hoſpital in his hands, and whoſe regard to humanity and the duties of his profeſſion, with his readineſs to ſacrifice private pique for the benefit of the ſick, I have laid before the

world in a former publication,* at the head of his ſeveral dependents, who were fearful of his oppoſition, in the exertion of the lower branches of his profeſſion, from the chair of the committee, with the utmoſt heat and acrimony declared, if more than three phyſicians were elected, he, for his part, would be no longer concerned in the care of the charity, and that his colleague, Doctor MOYSEY, then abſent, was fixed in the ſame reſolution.

Had this happened, how great the loſs of their aſſiſtance muſt have been to the poor of the hoſpital, let the public judge, from the honour and humanity of the one, manifeſt in the caſe of Mrs. Purdie, above referred to, and of the other in the following inſtance.

Laſt ſpring, one Mr. Weld, a gentleman of Dublin, afflicted with an icte-

* See my Narrative of Facts, Page 25.

icteric complaint, was ſent to Bath in hopes of relief, where he committed himſelf to my care, under which his diſorder not leſſening as I wiſhed, but his pulſe beginning to intermit, and critical ſymptoms of a dangerous nature ariſing, it was propoſed Doctor Moysey ſhould be called into conſultation if I had no objection to him, and as I had not, he was ſent for accordingly; but the doctor being from home at that time, an hour was appointed by the patient for our meeting at his apartment.

I attended according to appointment, but before that time the doctor had called on the patient by himſelf; and been informed that he was under my care; whereupon he was pleaſed to ſay that he was in very good hands, and to uſe ſome other genteel expreſſions with regard to my character; but

but that as I had publiſhed a book relative to the hoſpital, he could not, conſiſtent with his engagements with the phyſicians thereof, meet me in conſultation.

In anſwer to this, the lady of the patient, far advanced in her pregnancy, and oppreſſed with concern at the dangerous condition her huſband was in, with all the moving rhetoric of nature which affection and diſtreſs could inſpire, begged of him, that if he could not conſult with me, he would, nevertheleſs, for her ſatisfaction, favour her with his opinion of her huſband's diſorder; to which he replied, he would come in the afternoon, and would then meet the apothecary Mr. Haviland, and after ſeeing what had been done for him, would freely give her his opinion of the whole.

On

On Mrs. Weld's informing me of this, I went to the apothecary, and desired him to shew the several prescriptions I had wrote for the patient, without any reserve; but if Doctor Moysey insinuated that any thing had been done amiss, to insist on his reasons for his opinion, that I might justify my practice, by submitting my prescriptions, and my reasons for them, to the decision of the learned in the profession.

But before the hour came for giving his opinion, this worthy gentleman had altered his mind; and though he waited on the patient at the time fixed, he did not choose to proceed farther; when he came, he asked the patient, if he was for the future to be under his, or Doctor Baylies's care? And being answered, of the latter; instead of examining

into his caſe, and giving his opinion of it, he repeated what he had ſaid at his former viſit, that he was in good hands, that he was ſorry he could not conſult with me for him, but that he would not on any conſideration; and although he was urged to it as before, in the moſt moving manner imaginable, he, regardleſs of his duty in his profeſſion, of humanity to the diſtreſſed, and of the ties of honour, reaſon, and charity, immediately withdrew; leaving the patient to the fury of his diſeaſe, without endeavouring to aſſiſt him.

How would the poor have deſerved to be pitied, had this man of ſingular humanity, with his illuſtrious friend, deſerted the hoſpital on the admiſſion of any but an eminent CHARLETON?

This

This benevolent reſolution of leaving the hoſpital, made by theſe two great luminaries in phyſic, was ſeconded (as I was informed, tho' now it is denied) with a declaration made by ſome gentlemen then preſent, in behalf of him who has ſince been elected, and of another who was then candidate with him, that if the governors ſhould reſolve to admit more than three phyſicians, they, for their parts, would neither of them accept the employment.

But whether this declaration was made for them or not, it is certainly true that theſe two gentlemen, being governors of the charity as well as candidates for phyſicians to it, gave their votes that three phyſicians only ſhould be attendant on the hoſpital; though by that means each of them

was uncertain but he excluded himſelf from the office he was ſoliciting.

Could any behaviour ſhew a more implicit ſubmiſſion to the will of their leaders?

Theſe menaces to deprive the hoſpital of its phyſical aid, made by the leading men in the profeſſion, amongſt thoſe who were dependent upon them, could not but prevail againſt the arguments of any four diſintereſted gentlemen, in the deciſion of a queſtion to be determined by a majority of voices.

Vigilant as the fraternity and their friends were to an obſervance of the letter of the act, in determining the queſtion, upon the legality of electing on too ſhort a notice; yet, ſteady to

their

their original private deſigns, regardleſs of the mandates in the clauſes of the act, wherein the intereſt of the ſick, and of the public, are particularly concerned, they reſolved to abide by their illegal and uncharitable order, made on the firſt of May, one thouſand ſeven hundred and fifty, though it had never been confirmed by the biſhop and judges, as the ſtatute requires. And in purſuance thereof, they reſolved to hold another general court on the ſecond of June, to elect one phyſician, and one only, though four out of the ſix, elected in the year one thouſand ſeven hundred and forty-ſeven, were then dead, or had reſigned; and though the law expreſsly directs every ſuch vacancy to be filled up, after fourteen days notice to be given thereof.

Matters

Matters being thus ſettled, the court adjourned to the ſecond of June, and notice thereof was given accordingly.

It muſt be obſerved, that at this meeting, when theſe reſolutions were made, more than thirty governors were preſent, a larger number than had ever attended on any occaſion ſince the eſtabliſhment of the hoſpital; and that amongſt theſe, twenty and upwards were phyſicians, ſurgeons, and apothecaries, moſt of which were not made truſtees by the appointment of the act, but from time to time elected to anſwer ſuch purpoſe as was now to be tranſacted.

Indeed, as often as any vacancy, of late, has happened amongſt the governors, out of which the committees are annually to be elected, ſuch vacancy

cancy has generally been filled up with ſome apothecary, or other perſon, dependent on the leading phyſician, or intereſted in ſupplying the hoſpital with ſome ſort of neceſſary; though the hoſpital is not a charity peculiar to Bath, but a national one, and though no place is fuller than Bath with gentlemen, who are perfectly independent, and in all reſpects qualified to be truſtees of any charity.

Of ſo much conſequence have the rulers of this hoſpital, looked upon the electing of committee-men to be, that they have not only been thus cautious in the election of them, but have taken upon them to leave out ſuch, as after having once been elected, have not proved pliant to their purpoſe.

For Doctor Davies, a gentleman of indiſputable integrity, who was one of the

the committees, and forbore to attend the buſineſs of the hoſpital, from a reſolution not to countenance proceedings he could by no means approve, was for his non-attendance on the committee, excluded from amongſt them. Yet, at the time of leaving out this gentleman from the committee, for non-attendance, the governors elected another in his room; and who ſhould that be, but the ſon of Doctor WILLIAM OLIVER, who at that time, and 'till a few months ago, had been out of this kingdom; ſo that it was impoſſible for him to attend the charity; which, with theſe governors, was no objection to Mr. Oliver's being made and continued one of the committees, though Doctor Davies's non-attendance was reaſon ſufficient with them to ſtrike his name from the liſt.

The

The converſation that paſſed about the former meeting, made many perſons, who were not governors, deſirous to be preſent at the next, which every man has a right to be if he pleaſes, ſince theſe meetings are by the act declared to be public courts. This indeed the governors for awhile diſputed, but, with ſome degree of reluctance, at laſt allowed, and in conſequence thereof a few ſtrangers, who requeſted it, were permitted to be preſent.

At this court, after the reſolutions of the former meeting were read, and the publication of their notice to elect a phyſician was proved, the governors then preſent proceeded to election, and appointed Doctor CHARLETON the third phyſician; but for ſome particular reaſons, beſt known to themſelves, they made this election

by ballot, a method never before practiſed amongſt them on any occaſion.

At this general court, many undeſerved cenſures were paſſed on the ſecretary, for letting me have a ſight of the hoſpital books, which he did not do of his own accord, but by the direction of a governor, and without the leaſt promiſe or hopes of any ſort of reward. At this meeting likewiſe the propriety of permitting the books to be ſeen, was diſputed; after which it was determined, that, as the books were records of public import, they ſhould be conſtantly ſubject to the inſpection of any one; although they are now abſolutely refuſed, by virtue of a verbal order of a few of the truſtees only.

Matters being thus reſolved upon, it appeared to me that though the act di-

directed no ſet number of phyſicians to be choſen, but left the governors to chooſe at a general court what number they pleaſed; yet, as they had in a general court once choſen ſix, they were for the future obliged to keep up that number; it being expreſsly provided by the act, that as often as any one ſo elected died, or was otherwiſe removed, another ſhould be elected in his room; I thought therefore, as it was the expreſs direction of a ſtatute law, a mandamus might be obtained to compel them to it, eſpecially as one hundred patients required more attendance than forty, and I immediately applied to council to obtain one; concluding that this method would be leſs liable to diminiſh the contributions to the charity than any repreſentation of its abuſes to the public. And though my council was clearly of opinion that

the powers and directions given by this act of parliament were ſuch as the court would compel to be carried into execution by a mandamus, yet he thought it better to decline that method of proceeding, until the contending parties were cooled, and all other means had been tried ineffectually; and to his ſuperior judgment I ſubmitted my own.

Since the tranſactions at theſe two meetings, the following circumſtances have happened, deſerving notice.

The gentleman who had been ſo aſſiduous to inform himſelf about the nature of the London hoſpitals, though he was ſo violent at the former meeting in oppoſing the continuance of more than three phyſicians, and declared at the ſame time that he had no perſonal objection to me, but

but oppoſed the election of a greater number, only becauſe he thought it for the intereſt of the charity; yet forgetful of what he then ſaid, or not really meaning it, made intereſt a little before the general court held in May 1758, to have Doctor OLIVER's ſon, who was then returned from abroad, joined to the other three phyſicians to the hoſpital, urging that it was a pretty introduction of a young gentleman into his profeſſion, and that it was right he ſhould be admitted.

Indeed, the governor to whom this application was made, refuſed his aſſent to it, and gave for anſwer, that if three phyſicians were enough the year before, when the patients were upwards of a hundred, they muſt be ſo now when they are reduced to ſeventy, and therefore he could not but be ſurprized at the requeſt; adding,

call

call it no longer the Bath, but Oliver's, hoſpital.

A few weeks before this laſt annual meeting, a concert of muſic being ſet on foot, for the benefit of the charity, I was publickly apply'd to by a certain honourable gentleman, who had been ſome years preſident of the hoſpital, and a warm agent in its intereſt, to diſpoſe of ſome tickets for the ſame; at which time he complained to me, that my remarks about the conduct of the hoſpital affairs had injured the charity, and thereby gave me an opportunity of converſing with him, upon the extraordinary conduct of increaſing the phyſicians from three to ſix, when the patients were reduced from ſeventy to forty, and decreaſing them again, when they were one hundred and twelve.

In this converſation he frankly and generouſly told me, that he was perſonally concerned in making both orders; that the firſt was made to get a certain gentleman elected phyſician to the hoſpital, and that after it was made, the phyſicians and ſurgeons, in conſtant attendance, were too numerous to ſuffer the independent governors of the charity to carry any regulation they wanted by a majority of votes; wherefore he promoted the ſecond reſolution of reducing their number, with the concurrence of the faculty, who might be moved thereto by ſome other views. What theſe views were, let the following fact demonſtrate.

When Doctor Davies came to reſide at Bath, ſix phyſicians attended the hoſpital, and he was adviſed by his friends to offer his ſervice to it on the

firſt

firſt vacancy. And as Doctor Hartly and Doctor Harrington, on account of their ill ſtate of health, had, for ſome time before, neglected to attend the charity, the former propoſed to the latter to reſign their employments at the ſame time, and to have Doctor Sommers and Doctor Davies elected in their ſtead; but Doctor Harrington declining the propoſal, Doctor Hartly reſigned alone, when Doctor Sommers was elected without oppoſition, having been longer reſident at Bath than Doctor Davies; and Doctor Davies was at the ſame time given to underſtand, that whenever another vacancy happened, he ſhould certainly be elected.

At length, Doctor Harrington, who had not attended the charity for the laſt four years, thought proper to continue no longer even a nominal phyſician to it, and determined to reſign; which

which he did in a public court on the firſt of May 1750; but before he reſigned, the court then aſſembled, though they agreed to increaſe the patients from forty to eighty, yet ordered that the phyſicians to the hoſpital ſhould be limited to three, and three only, ſo ſoon as thoſe then in attendance ſhould be reduced to that number by death or reſignation. By which it plainly appears that a deſign was early formed to preclude Doctor Davies, and any other phyſician that might come to Bath, from being admitted into the hoſpital.

Soon after this general court, held upon the ſecond of June, a meeting was ſummoned for the promotion of that moſt excellent charity, called the Pauper-Scheme; by which, at the expence of about one hundred pounds a year, upwards of twelve

hundred individuals have been annually relieved: And as this charity had its riſe from the general hoſpital, a particular account of it may ſome time hence be laid before the public.

At this meeting of the pauper-ſcheme, a great number of principal gentlemen were preſent; and the converſation turning upon the late proceedings at the hoſpital, one of the ſurgeons belonging to it aſſured me, what I had often been told by others in private, namely, that if it was my deſign to publiſh the caſes of the patients in the hoſpital, it would certainly tend to the diſrepute of Bath waters; for the ſucceſs with which they were there attended, would by no means ſerve to recommend their uſe; but, inſtead of it, ſhew the world their real inſignificance.

This

This indeed was an aſtoniſhing averment! What can be more repugnant to the true principles of charity, than thus artfully decoying perſons afflicted with ſickneſs, to deſert the comfort of their own homes, and to put themſelves to immoderate expence, fatigue, and danger, in undertaking long and painful journies, by exciting in their minds falſe and groundleſs hopes of relief, from a wilful ſuppreſſion of the real truth?

This aſſertion from a perſon ſo conſpicuous in his profeſſion as the gentleman was from whom I received it, aſtoniſhed me greatly, ſince from the knowledge I had obtained by my enquiries into the nature of the waters, I was clearly ſatisfied, that they did not want efficacy to conquer many chronical diſorders, and to afford a ſufficient number of caſes, to con-

vince the world of their ſanative qualities. Yet, as this gentleman ſo poſitively affirmed it, and had been attendant upon the hoſpital from its firſt foundation, and had univerſally the reputation of a man of honour and judgment, I was inclined to credit his averment, and, inſtead of doubting his veracity concerning the bad ſucceſs in the hoſpital, to ſearch out from what probable cauſe the uſe of the waters therein had proved ſo very ineffectual.

By an inſpection into the annual accounts of the charity, it is manifeſt to what this defect of ſucceſs may moſt reaſonably be attributed; for therein it is recorded, though this hoſpital was for the trial of Bath waters only, and an apothecary is not mentioned in any part of the act for its eſtabliſhment, that more than eighty

eighty pounds a year, have one year with another, been laid out in the purchaſe of drugs at the beſt hand; which if conſumed in medicines prepared by practical preſcriptions, and vended by any apothecary, muſt, at a moderate price, be charged at upwards of a thouſand pounds. And if they have not been ſo uſed, why have the public been put to the expence of them?

Under theſe circumſtances let any think how impoſſible it has been for cures to be wrought by theſe waters; eſpecially as it is now manifeſt, that 'till Doctor Lucas publiſhed his analyſis of them, practicioners were ſtrangers to their natural contents, and daily adminiſtered with them many medicines abſolutely contradictory to the real quality, and deſtructive of their grand agent, which renders them effectual.

This

This ſurely is a convincing proof of the truth of that material reflection in my book on the uſes and abuſes of Bath waters, that the waters would be more effectual were their operation leſs interrupted with medicines.

Beſides, it has often been obſerved that the poor creatures in the hoſpital for cure, have been ſuffered to walk home from the baths half covered with their wet bathing dreſſes; from a due conſideration of which, and of the number of incurable and otherwiſe improper caſes admitted into the hoſpital, we can no longer wonder that the uſe of the waters on the hoſpital patients ſhould not be attended with the deſired ſucceſs.

CHAP. IV.

From a perusal of the preceding pages, the following Queries naturally arise; to which it is expected that the persons concerned will give proper answers, unless they choose, by their silence, to own the charge.

QUERY I.

IS not the act of parliament, for establishing a general hospital at Bath, an absolute direction for the proceedings thereof? Or, have the governors a right to disregard those directions, when they are not subservient to their private purposes?

II.

If the directions of the act are absolute, why have not the governors chosen

choſen another phyſician to the hoſpital, as often as any of thoſe they have elected has died or reſigned?

III.

Why has not the notice required by the act for the election of a phyſician to the hoſpital, been conſtantly given, as often as the governors have thought fit to elect any one into that office?

IV.

By what authority have the inhabitants of Bath, who are poor, and afflicted with diſeaſes for which Bath waters are reputed a cure, been excluded from all chance of relief from the Bath hoſpital, when the act entitles every ſubject of Britain and Ireland to the benefit of it?

V.

When the governors, from their experience in the management of the hoſpi-

hoſpital, found it expedient to make orders or reſolutions for regulating the conduct thereof, why had they not the orders they made converted into by-laws by the ſanction of the biſhop and judges, as the act requires?

VI.

When any perſon ſolicits to be a member of a ſociety, who is able and willing to promote the ends for which it was eſtabliſhed, what can juſtify that ſociety for making an order to prevent the admiſſion of ſuch perſon amongſt them? Eſpecially when they have ſeen the funds for ſupporting thoſe ends conſiderably augmented in conſequence of an order for the admiſſion of all gentlemen who were deſirous to be members, and the ſame funds greatly diminiſhed upon making an order to the contrary effect?

VII.

Why have the vacancies amongſt the truſtees been generally ſupplied by the election of ſome Bath phyſician, ſurgeon, or apothecary, or ſome perſon dependent on them ?

VIII.

Why has one member of the committee been excluded for non-attendance, and another, who was then and for ſome years after out of the kingdom, choſen in his ſtead ?

IX.

Are the phyſicians to any, except the Bath hoſpital, appointed preſident or deputy preſident thereof? And have not the phyſicians to the Bath hoſpital ſome private ends in view from being ſo appointed ?

X.

If it was reaſonable to appoint an increaſe of phyſicians from three to ſix,

ſix, on the reduction of the number of patients in the hoſpital from ſeventy to forty, why was a decreaſe of phyſicians from ſix to three appointed afterwards, when the number of patients aroſe to one hundred and twelve?

XI.

When any order has been made contradictory to former orders, why have not the reaſons for making ſuch contradictory order been recorded, as well as the order itſelf, that in after times ſome judgment may be formed of the rectitude of it?

XII.

Does not the making an order to decreaſe the number of phyſicians, at the very inſtant before Doctor Harrington reſigned, and at a committee when the number of patients was agreed to be increaſed, evidently demonſtrate,

monſtrate, that the ſame was done to anſwer a private and not a public end; if not on purpoſe, at that juncture, to prevent Doctor Davies from being elected a phyſician to the hoſpital?

XIII.

Does not this decreaſe of phyſicians, when the number of patients was increaſed, tend to deprive the poor of aſſiſtance, and to prevent the improvement and communication of medical knowledge?

XIV.

Can any man believe that the biſhop or judges would give the ſanction of a law to any order ſo inconſiſtent with charity and with the law of the land?

XV.

Why is a former order of a general court for the inſpection of the books of

of the hoſpital, to all who deſire to ſee them, now over-ruled by the private direction of a few of the truſtees only?

XVI.

If the hoſpital books are not concealed, and the publication of caſes neglected, with a view to ſuppreſs a diſcovery of the truth, why are the books refuſed to be ſhewn? And why has any particular order of the truſtees been made purpoſely to preclude thoſe, who are deſirous of publiſhing the caſes for the benefit of the community?

XVII.

If a diſagreeable truth, in detecting a miſconduct, ſhould leſſen the contributions to this charity for ſome time, may not the rectifying ſuch miſconduct again increaſe the ſame con-

contributions? And ought a deception of the public to be continued for the ſake of ſome advantage to a few individuals?

XVIII.

Is it not at leaſt as great a crime to abuſe, as to with-hold, charity?

XIX.

Is it poſſible for any ſet of people to act more to the diſcredit of the medicinal waters of Bath, than in laying a foundation for the miſapplication of them, by artfully concealing from the world the many inſtances of their efficacy, which a publication of caſes muſt exhibit?

XX.

When ſubſcriptions were ſoliciting to the Bath hoſpital, the managers ſubmitted all their conduct to the correction of the public, and as it is

ſtill ſupported by them, why are not their opinions at this time to be regarded in the conducting of it?

XXI.

When the members of any ſociety have wilfully and confeſſedly ſuppreſſed the truth, for the promotion of their own intereſt, can credit be afterwards given to any account of facts, falling under their inſpection alone, in caſe they ſhould lay any ſuch before the public?

XXII.

When any phyſicians have openly preſcribed the publication of falſhood, as the only effectual band of peace*; when they have avowedly refuſed a performance of their duty in their profeſſion, to ſatisfy private piques; when they have threatened to deſert the poor and

* See Narrative of Facts, page 46.

and needy in ſickneſs and diſtreſs, in caſe others were permitted to ſtep with them in the paths of charity; what may we not expect ſuch men would do, to promote their own intereſt, or ſatisfy their malice? Can they wonder the public ſhould be cautioned againſt their artifices?

XXIII.

Laſtly. If the Bath hoſpital, or any other charity, is proved to be ill conducted by thoſe who have the management of it; and if, in conſequence of ſuch proof, the contributors withdraw their aſſiſtance; who is to blame for the deſtruction of the charity? Is it the perſon who has expoſed the miſconduct of the truſtees? Or, rather, the truſtees themſelves, who have been guilty of, and ſtill perſevere in, that miſconduct?

FINIS.